

PARTIES

2. Plaintiff, Azmi Abdelmajid, is a resident of Houston, Harris County, Texas. The Plaintiff brings this action individually in his own behalf and, pursuant to §216(b) of the Fair Labor Standards Act, as a representative of a class of individuals who are similarly situated and who have suffered the same or similar damages. Defendant, Enersafe, LLC, is a Texas limited liability company doing business in the state of Texas with its principal place of business at 18557 US Highway 69 N, Lindale, Texas 75771. Defendant may be served by delivering a copy of this petition to its registered agent for service, John W. Donovan, Jr., 1800 Augusta Drive, Suite 107, Houston, Texas 77057.

JURISDICTION AND VENUE

3. This court has jurisdiction by virtue of 28 USC §§ 1331, and 1391. The Defendant's Lindale, Texas location is located within the Eastern District of Texas and the Court has subject matter jurisdiction and personal jurisdiction to hear the case. *See* 29 U.S.C. 201, et seq.

FACTS

4. In April, 2011, Plaintiff began his employment at Enersafe, LLC's facility located at Lindale, Smith County, Texas. His job at Enersafe, LLC was called a safety supervisor's job; however, the work he did for Enersafe, LLC was not exempt as defined under 29 CFR part 451. The evidence at trial will show that Plaintiff was not paid overtime wages at one and one-half times his regular hourly rate for all hours worked in excess of 40 hours in a work week.

5. Plaintiff believes and, therefore, allege that the failure of Enersafe, LLC's to pay Plaintiff and all those similarly situated for overtime pay was intentional.

CLAIMS

6. The Fair Labor Standards Act (29 U.S.C. § 201, *et seq.*) is commonly referred to as

“FSLA.” Among other things, the FSLA statutes and the regulations promulgated thereunder govern the activities of the pay practices of employers involved in commerce. Plaintiff alleges that the failure to pay Plaintiff and all those similarly situated for all hours worked is a direct violation of the FLSA statutes and regulations. Additionally, Plaintiff alleges that the failure to pay Plaintiff and all those similarly situated one and one-half his regular rate for all hours worked in excess of 40 hours in a work week is a direct violation of the FLSA statutes and regulations. Plaintiff and all those similarly situated are entitled to receive the unpaid wages due him, liquidated damages, costs, and attorneys’ fees.

COLLECTIVE ACTION

7. Pursuant to 29 U.S.C. § 216 (b), Plaintiff Azmi Abdelmajid brings this action in his individual capacity and as a collective action. As alleged in detail elsewhere herein, Azmi Abdelmajid seeks this court's appointment and/or designation as representative of a class of similarly situated employees of Enersafe, LLC Energy Services Operating, LLC who were not paid for all overtime hours worked as described herein. On information and belief, there are numerous safety supervisors who were not paid for all overtime hours worked for Enersafe, LLC as described herein. The questions of law and fact are common to the class of similarly situated employees. The failure to pay its employees for the overtime hours worked was common to all of Enersafe, LLC’ safety supervisors

8. Azmi Abdelmajid specifically requests that he be permitted to serve as a representative of the affected class, and this action should be certified as a collective action pursuant to 29 U.S.C. § 216(b).

JURY DEMAND

9. Plaintiff, individually and as a representative of the class, request a jury trial.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff prays that the class be certified and that the Plaintiff and each member of the class recover from Enersafe, LLC the following:

1. The unpaid wages due to Plaintiffs;
2. Liquidated damages authorized by the applicable statutes;
3. Unpaid wages due to all class members;
4. Liquidated damages to all class members;
5. Court costs;
6. Attorneys' fees; and
7. Such other and further relief as the Court deems just.

Respectfully submitted,

_____/s/_____
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